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FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

1998 Biennial Regulatory Review --  
Streamlining of Radio Technical  
Rules in Parts 73 and 74 of the  
Commission's Rules

MM Docket No. 98-93

TO: The Commission

REPLY COMMENTS OF PRESS COMMUNICATIONS, LLC

1. Press Communications, LLC ("Press") hereby submits its Reply Comments in connection with the Notice of Proposed Rule Making and Order, FCC 98-117, released June 15, 1998 in the above-captioned proceeding. Press is the licensee of, inter alia, Stations WKXW(FM) and WBUD(AM), Trenton, New Jersey, and WBSS(FM), Millville, New Jersey.

2. As a general matter, Press supports the Commission's efforts to streamline the broadcast application processes and to increase the flexibility with which broadcasters may better serve the public. However, Press is concerned that those efforts, if undertaken without appropriate consideration of all relevant factors, could in some instances prove detrimental to the public.

3. As an example, the concept of negotiated interference should provide licensees with at least some opportunities to expand their service. Press has no objection to that goal, or to the conceptual use of "negotiated interference" to achieve it -- in many instances involving arm's-length transactions involving unrelated parties. What Press fears, though, is that

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enterprising licensees may attempt to take excessive advantage of the opportunities which negotiated interference may afford. In particular, in this day and age of consolidation of radio ownership, it is not outside the realm of the possible that a single licensee might own several stations in the vicinity of a major metropolitan area. By, in effect, "negotiating" with itself, that licensee could conceivably present to the Commission a proposal pursuant to which one station's service (presumably to a less populated area) would be severely curtailed in order to permit another commonly-owned station to increase service to the already well-served metropolitan market, or even to achieve further consolidation of ownership in the market. <sup>1/</sup>

4. Press believes that it would ill-serve the public interest and contravene the still-operative mandate of Section 307(b) of the Communications Act of 1934, as amended, to permit common owners to create the broadcast equivalent of a gerrymander in order to increase coverage of large markets at the expense of service to smaller markets. Accordingly, if the Commission decides to permit negotiated interference, the Commission should establish clear standards designed to avoid such gerrymandering.

5. Press has similar concerns about many of the Commission's other proposals. While those concerns are set forth

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<sup>1/</sup> Alternatively, it would appear that an extremely well-financed licensee might be able to utilize its dominant financial position to "buy" interference rights, irrespective of the effect of such an arrangement on the listeners of the station which would be receiving the interference.

individually below, Press's overriding concern is that existing FM service can and should be protected from significant degradation.

6. With respect to the proposed point-to-point methodology, Press has no objection to the concept underlying that proposal. However, Press is concerned that, by adopting that proposal, the Commission would be moving farther away from the mileage separation approach which has governed the FM service for nearly 40 years. The mileage separation approach has been instrumental in assuring the high quality of interference-free service which has helped make FM the dominant radio service for the last 25 years. The Commission should be very cautious about abandoning an approach which has served its intended purpose so well.

7. This is particularly so in light of one important (although possibly little-recognized) result of the mileage separation system. As a practical matter, that system effectively results, in many situations, in greater signal protection than is actually specified in the rules. As a result, listeners currently enjoy clear, listenable signals from stations significantly beyond the stations' normally "interference-free" contours, especially if the listener is using a reasonably modern state-of-the-art receiver (such as receivers installed in most new cars). If using the proposed point-to-point methodology increases the possibility of interference right up to the "interference-free" contour, Press anticipates that listeners may

find themselves unable to receive stations which historically they could hear reasonably well.

8. Such a loss of service would, at least in theory, not really be a loss of service, since under the Commission's rules, service outside the interference-free contour may not be treated as service at all. But how is the Commission going to explain that to a listener who for years has been able to receive a particular station, but who suddenly finds that that station is no longer listenable? Does the Commission really intend for such listeners to lose actual service, regardless of whether or not the Commission's rules contemplated such service?

9. Press is frankly not sure how best to address this problem. But in resolving the matters at issue in the instant proceeding, the Commission should be sure to give thought to the fact that movement away from a strict mileage separation system is likely to have a number of consequences which, while perhaps seemingly insignificant from the regulatory perspective, will nonetheless take on great significance in the real world of the radio-listening public.

10. In a similar vein, Press strongly opposes any reduction in minimum separation requirements for second-adjacent channels. In Press's experience, even under the current separation standards it is occasionally difficult to "lock" a conventional receiver (e.g., lower-end receivers lacking selectivity, such as clock radios, "walkman"-style portable units and the like) on a given station if the receiver is located approximately

equidistant between second adjacent stations. This problem can be especially acute in short-spaced situations. That suggests to Press that the current separations are themselves barely adequate. Any reduction in those required separations would lead to increased reception problems, which should be avoided.

11. By contrast, Press is not aware of any equivalent problem with third-adjacent stations, and accordingly, Press has no objection to reduction of third-adjacent separations.

12. Similarly, Press also supports the proposal to apply to noncommercial stations certain second-adjacent protection standards generally applied in the commercial FM band. Common interference standards should be used for all FM stations, so that there can be no question concerning the level of protection that any station is entitled to, regardless of whether that station happens to be commercial or noncommercial. In Press's view, it is most appropriate to apply the technical standards currently applicable to commercial FM stations to noncommercial FM stations in the interest of consistency.

13. Press opposes the proposal to allow Class D stations to operate on commercial channels. In Press's experience, such low-power operations can cause significant signal degradation even if no "interference" would normally be predicted. The resulting losses of listenership by existing commercial licensees would far exceed, in Press's view, any new service which new low-power Class D operations might create.

14. In summary, Press fully supports the concept of

streamlined processes which will facilitate improved FM service. However, Press urges the Commission to exercise caution that such processes not be allowed to undermine, directly or otherwise, the soundness of the FM service as it has developed over the course of nearly half a century. It would be tragic if, in an effort to improve certain limited aspects of that service, its usefulness were to be dramatically limited by the creation of unnecessary interference, the loss of existing, relied-upon service, or the reduction of service to underserved communities.

Respectfully submitted,

  
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